IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.2377 OF 1986

M/s.Reliance Industries Limited : Plaintiff

V/s.

Messrs Commercial Fibre : Defendant

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Mr.C.D. Abuwala i/b. M/s.Dave & Co., for the plaintiff.

Mr.S.C. Poojary i/b. Mr.M.L.Bansal for the defendant.

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CORAM : S.A.BOBDE, J.

DATE : FEBRUARY 2, 2007.

P.C.

1. This is a Summary Suit for recovery of a sum of Rs.10,57,049.31 with interest on Rs.8,15,337.03 at the rate of 21% per annum from the date of the suit till judgement and further interest on the same amount at the rate of 12% per annum from the date of the judgement till payment.

2. The writ of summons was served on the defendant sometime in the year 1986. Unconditional leave was granted on 9.3.1987. Admittedly, the defendant has not yet filed Written Statement.

3. This suit is filed as a Summary Suit for recovery of price of yarn supplied between 21.11.1984 and 31.12.1984. Apparently, the plaintiff has supplied the yarn for the total value of Rs.39,36,147.93. Delivery challans have been signed by the defendant. Apparently, the defendant has partly paid some amount leaving a balance of about Rs.8,22,246.01 by cheque by acceptance of bills of exchange.

4. The defendant raised the issue of false defect in the yarn for the first time on 12.2.1986 when the plaintiff called upon the defendant to pay the balance amount. The plaintiff claimed the sum of Rs.10,57,049.31 with interest as aforesaid. Having regard to the circumstances of the case and the absence of any defence by the defendant, there is no reason why the plaintiff should be denied their claim. The suit is, therefore, decreed in the sum of Rs.10,57,049.31 with interest on Rs.8,15,337.03 at the rate of 12% per annum from the date of the suit till judgement and further interest on Rs.8,15,337.03 at the rate of 8% per annum from the date of the judgement till payment.

5. Decree be drawn up accordingly.

6. Certified copy expedited.

S.A. BOBDE, J.